

**CLEARY GOTTLIB STEEN & HAMILTON LLP**

One Liberty Plaza

New York, NY 10006

Telephone: (212) 225-2000

Facsimile: (212) 225-3999

Hearing Date: March 28, 2018

Time: 10:00 AM

Response Due: March 23, 2018

Time: 5:00 PM

*Attorneys for the BNP Paribas Defendants*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

BNP PARIBAS S.A., BNP Paribas Arbitrage SNC,  
BNP Paribas Bank & Trust (Cayman) Limited,  
BNP Paribas Securities Services S.A.

Defendants.

Adv. Pro. No. 12-01576 (SMB)

**NOTICE OF MOTION TO STAY DISCOVERY**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of the BNP Paribas Defendants' Motion to Stay Discovery (the "Motion") and the Declaration of Donna (Dong) Xu, BNP Paribas S.A. ("BNPP SA"), BNP Paribas Arbitrage SNC ("BNPP Arbitrage"), BNP Paribas Securities Services S.A. ("BNPP SS"), and BNP Paribas Bank & Trust (Cayman) Limited ("BNPP Cayman") (collectively, the "BNPP Defendants") will move this Court at the Alexander Hamilton Customs House, Courtroom 723, One Bowling Green, New York, New York, 10004, on March 28, 2018 at 10:00 AM for an order pursuant to 26(c) of the Federal Rules of Civil Procedure staying all discovery in the above-referenced proceeding until the Court rules on the BNPP Defendants' pending Motion to Dismiss, ECF No. 106.

PLEASE TAKE FURTHER NOTICE that any response or objection to the Motion must be (i) in writing, conform to the applicable rules of this Court, and be filed with the Clerk of the United States Bankruptcy Court, One Bowling Green, New York, New York, 10004, in accordance with Local Rule 9006-1 of the United States Bankruptcy Court, Southern District of New York by no later than 5:00 PM on March 23, 2018 (the "Objection Deadline") (with a courtesy copy delivered to the Chambers of the Honorable Stuart M. Bernstein); and (ii) served upon Cleary Gottlieb Steen & Hamilton, counsel for the BNPP Defendants, One Liberty Plaza, New York, New York, 10006, Attn: Breon S. Peace and Ari D. MacKinnon, so as to be received no later than the Objection Deadline. Any objections must state the specific basis of any objection to the Motion.

PLEASE TAKE FURTHER NOTICE that if no responses or objections are timely filed and served with respect to the Motion, the Motion shall be deemed uncontested and an order

granting the requested relief may be entered with no further notice or opportunity to be heard  
offered to any party.

Dated: New York, New York  
March 19, 2018

Respectfully submitted,

**CLEARY GOTTlieb STEEN &  
HAMILTON LLP**

By: /s/ Breon S. Peace

Breon S. Peace  
Ari D. MacKinnon  
Donna (Dong) Xu  
One Liberty Plaza  
New York, New York 10006  
Telephone: 212-225-2000  
Facsimile: 212-225-3999

*Attorneys for the BNP Paribas Defendants*

**CLEARY GOTTlieb STEEN & HAMILTON LLP**

One Liberty Plaza

New York, NY 10006

Telephone: (212) 225-2000

Facsimile: (212) 225-3999

*Attorneys for the BNP Paribas Defendants*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

-against-

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

BNP PARIBAS S.A., BNP Paribas Arbitrage SNC,  
BNP Paribas Bank & Trust (Cayman) Limited,  
BNP Paribas Securities Services S.A.

Defendants.

Adv. Pro. No. 12-01576 (SMB)

**[PROPOSED] ORDER ON MOTION TO STAY DISCOVERY**

Upon consideration of the BNP Paribas Defendants' Notice of Motion to Stay Discovery,

ECF No. \_\_ (the "Motion"), the Memorandum of Law in Support of the BNP Paribas

Defendants' Motion to Stay Discovery, ECF No. \_\_, and the Declaration of Donna (Dong) Xu in Support of the Motion, ECF No. \_\_; and it appearing that due and proper notice of the Motion and relief requested therein having been given, and no other further notice needing to be given; and a hearing having been held on the Motion on \_\_\_\_\_, 2018 (the "Hearing"); and this Court having jurisdiction to consider the Motion under 28 U.S.C. §§ 157 and 1334; and the Court having considered any papers submitted in support of an in opposition to the Motion; the argument of counsel at the Hearing; and the record in this case:

**IT IS HEREBY ORDERED**, that the motion is **GRANTED** as follows:

1. All discovery in this case is hereby ordered to be stayed until the resolution of the BNP Paribas Defendants' pending Motion to Dismiss, ECF No. 106; and

2. This Court shall retain jurisdiction to, among other things, interpret and enforce the terms and provisions of this Order.

SO ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2018

\_\_\_\_\_  
HON. STUART M. BERNSTEIN  
UNITED STATES BANKRUPTCY JUDGE